

Comments and Questions on the Bristol Bay 2011 Assessment (BBA) Draft Outline

Monday, August 22, 2011

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At the conclusion of the Intergovernmental Technical Team (IGTT) meeting in Anchorage on August 9 and 10, 2011, Richard Parkin of the EPA stated that the EPA would be accepting comments and input on the BBA from members of the ITT Advisory Committee until August 23rd, (two weeks after conclusion of the IGTT meeting).

My name is Trefon Angasan, representing the South Naknek Tribal Council; I am submitting comments on the overall approach and Bristol Bay Assessment Outline as presented during the IGTT meetings, I serve as chair of the Alaska Peninsula Corporation (APC), a merger of five Bristol Bay Native Village Corporations, of which two (Newhalen and Kokhanok) are situated in close proximity to the Pebble Prospect. APC is a major land owner with lands adjacent to the Pebble Prospect. As a land owner, APC owns the riparian rights to the Upper Tolarik, a waterway near the Pebble Prospect. I am also owner of Trefon Angasan Consulting, with a contract providing advice on Native and fishery issues to the Pebble Limited Partnership (PLP).

Bristol Bay Assessment Outline

Temporal Scope:

EPA has defined the temporal scope of the assessment to include the mining life-cycle, generally consisting of exploration, construction, operation and post-closure. However, the draft outline does not address temporal scope in terms of the areas and resources being evaluated. There are many natural influences and stressors on wildlife populations, salmon returns, and general ecosystem shifts over time. In addition, the affects of climate change in the region is likely to account for population and ecosystem changes. How will EPA's assessment account for population and ecosystem changes? How will EPA's assessment account for natural and other anthropogenic causes to changes in conditions?

Endpoints/ conditions Evaluated:

In general, there is limited information presented on the approach or methodology for assessing impacts to various endpoints. Will EPA provide the methodology and /or models planned on being used?

What time frame will the assessment cover? How is the assessment incorporating or evaluating natural temporal changes in the watershed, including previous and existing conditions?

It is particularly unclear on how EPA will be assessing baseline conditions and impacts related to indigenous culture. Indigenous culture is not defined to a particular era, but is the result of traditions over time and adapting to influences. The assessment should clearly outline how EPA defines baseline

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for indigenous cultures in the region, what entity is making this determination (EPA?) and what timeframe this is based on.

As presented, the assessment of economics is focused on the significance of commercial and non-commercial fisheries. This raises several questions and concerns, including the following:

- On what level is the characterization of economic significance being done- local, state, national? How will it be determined as to which is more important? And to whom? Federal agencies? State agencies? Non-governmental organizations? Tribes? Alaska Native Corporations? Non-resident and foreign interests?
- Several inherent risks were raised by economic consultants doing the analysis including a) overemphasis on commercial fisheries, and b) lack of appreciation for economic significance of non-commercial fisheries. How will these (and other) risks be addressed in the analysis?
- Also acknowledged, since prices and harvest vary year to year, and over long periods of time, establishing a baseline for the economic analysis will be difficult. As will other influences for those variations besides any potential impacts from mining. How will these issues be handled in the economic analysis?

Scenario Development

To date, a mining management plan or project description has not been presented for a proposed Pebble Mine. What is the basis and assumptions used for the mining scenario developed for the BBA?

Furthermore, any proposed project would require a complete project description that includes mitigation measures and plans to minimize risks to human health and the environment. How can EPA's assessment be considered complete or credible with fully assessing mitigation measures as part of the conceptual scenario?

Risk Analysis and Characterization

There is no description of the methodology employed for the exposure assessment. It is unclear on how exposures will be assessed and the types of assumptions that will be used. EPA should provide the assumptions being used to evaluate and define the range of variables-average? Worst-case?

Since the assessment is based on hypothetical scenarios, the risk analysis and characterization will rely heavily on published data that may not be specific to the Bristol Bay area or the endpoints being measured. For example, to assess impacts to the identified endpoints, will EPA be relying on generic, published toxicity data? Assuming so, this represents a large degree of uncertainty since the species and life stages used in laboratory tests found in literature will likely not be specific or relevant to Bristol Bay region. Is EPA planning on deriving conclusions on potential impacts to the Kvichak and Nushagak drainages based on species that differ from native fauna?

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The risk analysis section includes evaluation of human health, welfare, and culture, yet limits the assessment to responses to effects on fish. By definition, assessment of human health, welfare and culture is inclusive of all elements that go into evaluating the health of a community. A true assessment of human health, welfare and culture would include economic, social, health, and environmental impact assessments, which would be included as part of the NEPA process. By singling out only one component of a more integrated relationship degrades the quality of the assessment. EPA needs to consider including a more comprehensive health impact assessment.

Uncertainty Analysis:

An uncertainty Analysis is an integral part to any risk assessment. As presented, the BBA outline does not include such an analysis. Given the fact that the construct of the assessment is based on major assumptions and hypothetical scenarios, it is imperative that the BBA include a separate Uncertainty Analysis Section.

Cumulative Impacts:

Secondary development appears to not be included in the evaluation of impacts. However, the cumulative impacts section does include secondary development. Please explain.

Summary/Conclusion:

As presented during the IGTT meeting, EPA indicated that the decision to initiate an advanced 404(c) process was based , in part, a) on not wanting to revisit Bristol Bay for similar actions in the future and

b) To review all potential development affecting the watershed in the foreseeable future, not just metallic sulfide mining. Furthermore, EPA presented what they consider to be a ‘focused’ assessment. Since there is a great deal of uncertainty and judgments made by EPA regarding the selected hypothetical scenarios without adequate assessment of the assumptions and range of probable potential impacts, it is apparent that the process will not achieve EPA’s intended objective of not wanting to revisit Bristol Bay for similar actions in the future. Rather, the assessment as presented will result in conclusions based more in inference and speculation that will make it, at best, difficult to derive scientific or risk management decisions that are actually relevant to any specific development project in Bristol Bay region in the future.

My conclusions drawn from the discussions at the workshop

- It is my firm belief that the presentations by the EPA clearly intended to depict the Pebble Prospect as a direct threat to the salmon in Bristol Bay. They drew conclusions about the impact that mining had on water without any regard for the safeguards that the Pebble Partnership may use to protect the environment.
- They recognized that although the Pebble application was not yet submitted for permitting, they noted that all mines had the same characteristics and that they had a good idea about the

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level of impact.

- During the one and one half day planning session conducted by the EPA, it became very obvious that the EPA intended to steer the BBA to achieve a certain outcome.
- The charts used by the EPA team listed the entire BB Watershed and its production of salmon intended to depict the Pebble Prospect as a threat to the entire Bristol Bay salmon population.
- EPA intends to have an unbiased scientific peer review panel of their report before it goes to public comment in the fall of 2012. They stated that the panelists will be selected by an independent party but they will retain the right to preempt any of the nominees to the peer review panel. I have two concerns about this: a) if the independent panel is selected by the EPA, then it is a certainty that the panelists will have the same zero tolerance for development in the wetland areas as they do and b) the EPA intends to retain the right to preempt any nominee that is presented by the 'independent review panel', this assures that the EPA will steer the panelists to achieve the EPA objective to have no development in Bristol Bay.
- The fishing industry in BB must be examined to reveal why a majority of the village residents in BB have sold their permits since they were issued in 1975. The residents are vulnerable to diaspora because they have no economy other than a subsistence economy. In today's environment, with federal cutbacks in funding for HEW (Snyder Act), and the rising cost of equipment needed to sustain their subsistence economy, that lifestyle will go the way of the dinosaur.